

Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
(509) 575-0313  
Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

AARON J. SHEPARD and NICOLE H.  
SHEPARD, individually, and on behalf of  
the marital community,

Plaintiffs,

vs.

CHELAN COUNTY, by and through its  
Agency the CHELAN COUNTY  
SHERIFF'S OFFICE, a Washington  
Municipal Corporation,

Defendants.

**NO. 2:23-CV-00041-TOR**

**DEFENDANTS' LCivR  
56.1(c) STATEMENT OF  
MATERIAL FACTS NOT IN  
DISPUTE IN SUPPORT OF  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Pursuant to LCivR 56(c)(1)(A) defendants submit this statement of material  
facts not in dispute in support of defendants' motion for partial summary  
judgment:

1. Defendant Chelan County, Washington (the "County"), hired plaintiff  
Aaron J. Shepard ("Mr. Shepard") as a deputy sheriff on March 18, 2013. [Ehlis  
Decl. ¶ 6, Ex. B pp. 6, 9, 10; *see* ECF No. 4 at ¶¶ 1.3, 4.1.]

**DEFENDANTS' LCivR 56.1(c)  
STATEMENT OF MATERIAL  
FACTS NOT IN DISPUTE - 1**

**MENKE JACKSON BEYER**  
807 North 39<sup>th</sup> Avenue  
Yakima, WA 98902  
Telephone (509)575-0313  
Fax (509)575-0351

1  
2           2.     The decision to hire Mr. Shepard as a deputy sheriff was made and/or  
3     ratified by Brian Burnett (“Sheriff Burnett”), who, at that time, was the County’s  
4     sheriff. [Ehli Decl. Ex. B pp. 9, 10.]

5  
6           3.     On March 1, 2022, Mr. Shepard submitted his written notice of  
7     resignation as a deputy sheriff with the County to Sheriff Burnett. [*Id.* at Ex. B p.  
8     8.] Mr. Shepard informed Sheriff Burnett that his final day of employment with  
9     the County was to be March 29, 2022. [*Id.* at Ex. B p. 8.]

10  
11           4.     In accordance with his resignation notice, Mr. Shepard’s employment  
12     with the County ended on March 29, 2022. [*Id.* at B pp. 6, 7; *see* ECF No. 4 at ¶  
13     1.2.]

14  
15           5.     The plaintiffs commenced the above-entitled action on February 13,  
16     2023. [ECF No. 1 at pp. 1-23.] The only named defendants in this case are the  
17     County and its sheriff’s office. [ECF No. 1 at p. 1 and ¶¶ 1.3, 2.3, 2.4; ECF No. 4  
18     at ¶¶ 1.3, 2.3, 2.4.] No current or former officials, officers, or employees of the  
19     County have been named as defendants to this action. [ECF No. 4 at pp. 1-24.]

20  
21           6.     Under the jury trial scheduling order entered by the Court on June 29,  
22     2023, the deadline for the parties to file a motion to amend the pleadings or add  
23     parties was August 31, 2023. [ECF No. 14 at p. 2.] This deadline passed without  
24     the plaintiffs amending their pleadings to join/add any current or former officials,  
25     officers, or employees of the County as defendants to this action. [Ehli Decl. ¶ 4;

1  
2 *see* ECF No. 4.] To date, the plaintiffs still have not amended their pleading to  
3 join/add any current or former officials, officers, or employees of the County as  
4 defendants to this action. [Ehlis Decl. ¶ 4; *see* ECF No. 4.]  
5

6 7. The claims being asserted by the plaintiffs in the above-entitled action  
7 include several tort claims based upon Washington state law. [ECF No. 4 at pp.  
8 17-24.]  
9

10 8. Washington's Tort Claims Act (the "TCA") relating to local  
11 governmental entities, such as the County, is set forth at Ch. 4.96 RCW. [See  
12 Moore Decl. ¶ 3, Ex. A p. 1.]  
13

14 9. A local governmental entity is required by RCW 4.96.020 to appoint  
15 an agent to receive any claim for damages made under the TCA. [See Moore Decl.  
16 Ex. B p. 1.] The County has designated the County auditor as its agent to receive  
17 claims for damages made under the TCA. [Moore Decl. ¶ 3, Ex. A p. 1.]  
18  
19

20 10. Prior to the plaintiffs' commencement of the above-entitled action  
21 they failed to file and/or submit a written claim for damages relating to their state  
22 law tort claims alleged herein to the County's auditor or the County auditor's  
23 office. [Moore Decl. ¶¶ 9, 10; *see* ECF No. 1 at ¶¶ 3.1-3.3; *see also* ECF No. 4 at  
24 ¶¶ 3.1-3.3.]  
25  
26

27 11. To date, the plaintiffs have never filed and/or submitted a written  
28 claim for damages relating to their state law tort claims alleged in the above-  
29

entitled action to the County's auditor or the County auditor's office. [Moore  
Decl. ¶ 11.]

DATED this 6<sup>th</sup> day of December, 2024

s/KIRK A. EHLIS (WSBA #22908)  
Attorneys for Defendants  
Chelan County and Chelan  
County Sheriff's Office  
Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
Telephone: (509) 575-0313  
Fax: (509) 575-0351  
Email: [kehlis@mjbe.com](mailto:kehlis@mjbe.com)

**DEFENDANTS' LCivR 56.1(c)  
STATEMENT OF MATERIAL  
FACTS NOT IN DISPUTE - 4**

**MENKE JACKSON BEYER**  
807 North 39<sup>th</sup> Avenue  
Yakima, WA 98902  
Telephone (509) 575-0313  
Fax (509) 575-0351

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2024, I electronically served the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Nick Andrews, WSBA # 40441  
[Nick@campichelaw.com](mailto:Nick@campichelaw.com)

Daniel F. Horne, WSBA # 54528  
[Dan@campichelaw.com](mailto:Dan@campichelaw.com)

Jeffery M. Campiche, WSBA #7592  
[Jeff@campichelaw.com](mailto:Jeff@campichelaw.com)

Ricco C. Sanchez, WSBA #54895  
[Ricco@campichelaw.com](mailto:Ricco@campichelaw.com)

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None

s/KIRK A. EHLIS (WSBA #22908)  
Attorneys for all Defendants  
Menke Jackson Beyer, LLP  
807 North 39<sup>th</sup> Avenue  
Yakima, Washington 98902  
Telephone: (509) 575-0313  
Fax: (509) 575-0351  
Email: [kehlis@mjbe.com](mailto:kehlis@mjbe.com)